

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANET GARCIA and CHRISTOPHER HERB ,
individually and on behalf of all others similarly situated

Plaintiffs,

- against-

SUK CHAN LEE a/k/a BRUCE LEE and KWANGOK SUNG
a/k/a KAY LEE, d/b/a ONE GREENE JAPANESE
RESTAURANT & LOUNGE, 17 GREEN FARM a/k/a 17
GREENE FARM, FRESH GARDEN, SILVER SPOON and
MIRAI WELLNESS &SPA

Index No. 10-CV-1618
(Gleeson, J.)

ORDER TO SHOW CAUSE
AND TEMPORARY
RESTRANDING ORDER
AND PRELIMINARY
INJUNCTION

Defendants.

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Upon the annexed declarations of Jonathan Weinberger, Esq., Janet Garcia and Christopher Herb, and the exhibits attached thereto, the Complaint, the Amended Complaint, and the accompanying Memorandum of Law, as well as all other papers and prior proceedings in this action it is hereby:

ORDERED that the Defendants or their attorneys show cause at a motion term of this court to be held in this Court before _____, United States District Judge, in courtroom ____ of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York on _____, 2010 at ____:____ M, or as soon thereafter as counsel may be heard, why an order should not be entered granting Plaintiffs a preliminary injunction, pursuant to the Court's inherent powers and Rule 65 of the Federal Rules of Civil Procedure,

directing that defendants, their agents and employees, and all persons acting in concert with them, are restrained and enjoined from taking any adverse employment action against, or terminating the employment of, any plaintiff or other employee for bringing this action or for complaining that defendants failed to pay them wages in violation of the Fair Labor Standards Act or the New York Labor Law; and that all such persons are further restrained and enjoined from taking any adverse employment action against, or terminating the employment of, any plaintiff or other employee, without providing plaintiffs' counsel with three days' prior notice, except that defendants may suspend an employee with notice one day thereafter to plaintiffs' counsel when suspension is urgently necessary as a matter of health, safety or to avoid threatened violence.

IT IS FURTHER ORDERED that, pending the hearing and determination of this motion, defendants, their agents and employees, and all persons acting in concert with them, are restrained and enjoined from taking any adverse employment action against, or terminating the employment of, any plaintiff or other employee for bringing this action or for complaining that defendants failed to pay them wages in violation of the Fair Labor Standards Act or the New York Labor Law; and that all such persons are further restrained and enjoined from taking any adverse employment action against, or terminating the employment of, any plaintiff or other employee, without providing plaintiffs' counsel with three days' prior notice, except that defendants may suspend an employee with notice one day thereafter to plaintiffs' counsel when suspension is urgently necessary as a matter of health, safety or to avoid threatened violence.

Sufficient reasons appearing therefor, LET service of a copy of this order, together with the papers upon which it is granted, upon Defendants or Defendants' counsel, by delivery

or overnight courier, no later than _____, 2010, be deemed good and sufficient service thereof.

IT IS FURTHER ORDERED that, opposing papers, if any, be served by delivery or overnight courier so as to arrive at the offices of Plaintiff's counsel _____ days in advance of the return date of the motion.

U.S.D.J.